



Elliot M. Goldberg
Director of OSS and Program Management
44 Wall Street, 14th Fl.
New York, NY 10005
Tel: (212) 607-2031
Fax: (212) 635-5070
e-mail: egoldberg@mettel.net

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EX PARTE

Marlene Dortch
Secretary
Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

*RE: Application by Verizon-New Jersey for Authorization To Provide In-Region,
InterLATA Services in the State of New Jersey, WC Docket No. 02-67*

Dear Ms. Dortch:

This letter provides additional information on one of the issues that remain outstanding pertaining to the performance of Verizon's OSS system. In an earlier Ex Parte, MetTel noted a commitment to submit an updated analysis on the status of Missing Notifier Trouble Tickets.¹ That analysis is attached to this Ex Parte letter as *Exhibit A*.

On May 16, 2002, MetTel sent to Verizon the data on *** New Jersey and New York PONs, which had been placed on Trouble Tickets for Missing Notifiers throughout March and April. Verizon requested additional analysis for a number of these PONs, which MetTel has completed. Currently, all but ** PONs have been reconciled. As a comparison for the New Jersey and New York results, we include here data gathered on Pennsylvania PONs for the same period. The Pennsylvania PONs have been calculated according to the methodology used for the other states.

According to the analysis, Verizon did achieve 95% of Missing Notifier Trouble Tickets resolved in 3 Business Days (actually, 96.61%) in New Jersey. However, this result was apparently achieved by methods that favored New Jersey items. MetTel bases this conclusion on the fact that Missing Notifier Trouble Tickets are processed in the same "shop" regardless of state of origin. Thus, it is to be expected, that resolution times would then be equal or similar for all states. However, the results for New York Missing Notifier Trouble Tickets are that only 87.41% were resolved in 3 Business Days and Pennsylvania was worse at 74.07%.

¹ Ex Parte letter to William Caton, Acting Secretary, from Elliot M. Goldberg, dated April 15, 2002 in Docket No. 02-67.

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Verizon appears to have targeted New Jersey PONs for special handling at the expense of the PONs from other states, where 271 authority is no longer an issue. This is the most rational explanation for the significant discrepancies.²

MetTel has urged that Verizon address the deficiencies in its systems that result in untimely (or inappropriate) responses to Missing Notifier Trouble Tickets, because the timely receipt of accurate notifiers is critical for operational success. At the point that PONs appear on Missing Notifier Trouble Tickets, the CLEC has already suffered operational damage. It must be stressed that the Trouble Ticket mechanism has been instituted to give Verizon an opportunity to correct problems and operational failures, and is not an element of normal function. Therefore, poor performance on Trouble Tickets cannot be viewed as an independent system issue, but one that serves to exacerbate already existing problems.

Merely shifting resources temporarily in order to demonstrate “good numbers” to the Commission is deceptive and counterproductive. In doing so, Verizon is clearly avoiding an examination of its systems and is refusing to do what is required to actually resolve the problem. This behavior implies that if 271 authority is granted, Verizon’s New Jersey Missing Notifier Resolution Performance will again approach the lower performance levels provided to states where 271 approval has been granted. The Commission should not accept such deliberately biased performance.³

To combat this abusive practice, we respectfully submit the following. The Commission should identify the Verizon facilities and service centers that are operationally shared by multiple states. For functions performed by such facilities, 271 application criteria should include a Verizon obligation to show that it is meeting its minimum level of acceptability throughout all of the states that are serviced by such a facility. Otherwise, with very little investment in long term support Verizon can reallocate its resources to the 271 state at issue at the expense of all other states being serviced out of that center.

Respectfully submitted,

Elliot M. Goldberg

Attachment

² We are confident that Verizon will attempt to provide an explanation for these discrepancies, as they have provided explanations for all discrepancies in all of their 271 proceedings. Their explanation, however, must address the fact that their New Jersey results somehow suddenly achieved a passing level of 96% while their New York and Pennsylvania results do not come close to meeting the minimum level of acceptability – 95%. We urge the Commission to reject their eleventh hour excuse in favor of competition.

³ Verizon’s apparent ability to reallocate resources by state raises the possibility of its reallocation of resources by carrier. As MetTel is able to present only data specific to MetTel, it is not known whether other carriers may be suffering from Verizon’s attempt to temporarily resolve MetTel’s complaints that have been presented in this 271 proceeding.